

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David Herndon

Serial No.: 09/901,429

Filed: July 09, 2001

For: BETA-ADRENERGIC BLOCKADE
REVERSAL OF CATABOLISM AFTER
SEVERE BURN

Group Art Unit: 1614

Examiner: Vickie Kim

Atty. Dkt. No.: CLFR:218US

CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. § 1.8

I hereby certify that this correspondence is being
transmitted to: Ms Sherry Bunkley, Office of Petitions
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450, facsimile number (571) 273-0025 on the date
below:

April 28, 2005
Date

Monica A. De La Paz
Monica A. De La Paz

PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. § 1.313(c)(2)

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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APR 28 2005

OFFICE OF PETITIONS

Sir:

In accordance with 37 C.F.R. § 1.313(c)(2), Applicants herein submit this petition for the withdrawal of the instant case from issue. The Issue Fee in this case was mailed on February 16, 2005. Applicants authorize the Office to withdraw any fees due in connection with this paper under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/CLFR:218US.

Pursuant to 37 C.F.R. § 1.313(c)(2), Applicants hereby respectfully request withdrawal of the above-referenced patent application from issue, and herein concurrently file a request for

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continued examination (RCE) in accordance with 37 C.F.R. §1.313(c)(2) which is in compliance with 37 C.F.R. §1.114. Applicants request continued examination so that certain reference materials that were cited in the specification of the above-referenced patent application can be made of record through the filing of a Supplemental Information Disclosure Statement. Applicants concurrently file herewith the RCE and Supplemental Information Disclosure Statement, including copies of cited references.

In accordance with the recommendation set forth in the Manual of Patent Examining Procedure (MPEP) §1308, Applicants have contacted Ms. Sherry Brinkley in the Office of Petitions, who has informed Attorney for Petitioner that sufficient time remains before the patent issue date to consider and grant a petition under 37 C.F.R. §1.313(c). She has instructed that this petition, request for continued examination, and Supplemental Information Disclosure Statement be submitted to the Office of Petitions by facsimile.

In view of the foregoing comments, it is submitted that all the requirements for the withdrawal of the this case from issue under 37 C.F.R. §1.313 have been satisfied and such action is thus respectfully requested.

Respectfully submitted,



Monica A. De La Paz
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Attorney for Petitioner

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Date: April 28, 2005

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FACSIMILE TRANSMISSION**DATE:** April 28, 2005**MATTER NUMBER:**10414186 /
CLFR:218US

| RECIPIENT(S): | FAX NO.: | PHONE NO.: |
|---|----------------|------------|
| Sherry Brinkley - Office of Petitions Commissioner for Patents | (571) 273-0025 | |

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OFFICE OF PETITIONS**FROM:** Monica A. De La Paz**USER ID:** MD10756 **FLOOR:** 20**PHONE:** (512) 536-5639**FAX:** (512) 536-4598**RE:** SN 09/901,429**NUMBER OF PAGES WITH COVER PAGE:** 95 **Originals Will Not Follow****Message:**

Submitted for filing in patent application Serial No. 09/901,429 please find the following::

1. Petition for Withdrawal from Issue Under 37 C.F.R. §1.313(c)(2);
2. Request for Continued Examination (RCE)
3. Supplemental Information Disclosure Statement; Form PTO-1449 with refs. A1-A2 and C1-C7

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